THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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W.P.No.27983 of 2005

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Date:30.12.2005

Shyam Sunder Renwa.

----------Petitioner

The Secretary.

----------Respondent

ORDER:

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The petitioner is the owner of the vehicle bearing No.AP 1U 819. He intended to transfer the same in favour of one Sri Shaik Masthan Vali. The vehicle is registered with the R.T.A., Mancherial, Adilabad District. Hence, he submitted an application seeking transfer. The petitioner states that the respondent refused to register the transfer of the vehicle, on the ground that the petitioner did not pay the compounding fee for the overloading of the vehicle, which was intimated to him vide notice, dated 08.09.2003. It is alleged that without even verifying the explanation, submitted by the petitioner to the notice, dated 08.09.2003, a fresh notice was issued on 28.11.2005.

The learned counsel for the petitioner submits that the allegation as to the overloading itself was without any basis and at any rate, the transfer of the vehicle cannot be withheld, on the basis of such notices.

The learned Government Pleader for Transport, on the other hand, submits that the petitioner did not offer satisfactory explanation either to the notice, dated 08.09.2003, or the one, dated 28.11.2005.

A perusal of the notice, dated 08.09.2003, issued by the respondent, discloses that a sum of Rs.24,500/- was levied, on the ground that he learnt “from reliable source” that the vehicle was overloaded, that too on five different occasions between 03.07.2003 and 31.07.2003. It is doubtful whether such a demand can be made, without issuing any vehicle check report. For whatever reason, the matter remained dormant, till the petitioner approached the respondent seeking transfer of the vehicle. A fresh show cause notice, dated 28.11.2005, proposing to conduct enquiry in relation to the show cause notice, dated 08.09.2003, has been issued.

Be that as it may, the request of the petitioner for the transfer of the vehicle could not have been rejected by the respondent, when he himself did not think it fit to take further action ever since September, 2003. It is not as if the transfer of registration of the vehicle would wipe away the liability, if it is otherwise legally tenable.

Therefore, the Writ Petition is disposed of, directing the respondent to consider the application of the petitioner for transfer of registration of the vehicle without linking the same to the proceedings initiated, through notice, dated 08.09.2003. Such transfer shall be without prejudice to the right of the respondent to proceed further in the matter, in accordance with law. There shall be no order as to costs.

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30.12.2005

Note: Issue C.C. in two days.

(B/o)

Jsu